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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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IN THE UNITED STATES DISTRICT COURT
-FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

**TRAVIS CO. J.V.,
ROGER HILL, SR. and
CHRISTOPHER HILL**

Plaintiffs,

Y.

**HENNESSEE GROUP, L.L.C.,
ELIZABETH LEE HENNESSEE
and CHARLES J. GRADANTE**

Defendants.

உயர்நீதிமன்றம்

CASE NO. 06-CV-146

MOTION TO STAY CLAIMS PENDING ARBITRATION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Plaintiffs Travis Co. J.V., Roger Hill, Sr., and Christopher Hill (collectively, "Plaintiffs"), and file this Motion to Stay Claims Pending Arbitration seeking to have Plaintiffs' claims against Elizabeth Lee Hennessee abated pending arbitration of those claims before the NASD.

In support of this Motion, Plaintiffs state as follows:

1. In December 2005, Travis Co. J.V., Roger Hill, Sr., and Bruce Hill filed this lawsuit against defendants in Bexar County District Court. Shortly thereafter, defendants removed that case to federal court. Plaintiffs amended their complaint on April 17, 2006. With their latest pleading, former plaintiff Bruce Hill abandoned his claims and Chris Hill was added as a Plaintiff.

2. On Friday, April 22, 2006, all of the current Plaintiffs submitted online claims against Elizabeth Lee Hennessee to the National Association of Securities Dealers. The NASD Statement of Claim is substantially similar to the claims against Ms. Hennessee pending in this court.

3. Ms. Hennessee is a licensed securities broker and an associated person of an NASD member firm. Plaintiffs claims arise out of Ms. Hennessee's business. Thus, Plaintiffs are entitled to bring their claims against Ms. Hennessee before the NASD for arbitration. NASD Rule 10310(a).

4. To avoid duplicative proceedings against Ms. Hennessee, Plaintiffs request pursuant to the Federal Arbitration Act, 9 U.S.C. §3, that this Court stay the trial of their federal court action against her until arbitration has been completed. Plaintiffs, however, request that the court continue its jurisdiction for purposes of enforcing subpoenas to compel attendance of witnesses at deposition or at the arbitration hearing, and/or for confirming any arbitration award that may be entered. 9 U.S.C. §§ 7, 9.

WHEREFORE, premises considered, Plaintiffs request that the Court stay all pending claims by Plaintiffs against Defendant Elizabeth Lee Hennessee pending arbitration before NASD.

Respectfully submitted,

PIPKIN, OLIVER & BRADLEY, L.L.P.
1020 N.E. Loop 410, Suite 810
San Antonio, Texas 78209
Telephone: (210) 820-0082
Facsimile: (210) 930-8500

By: Kortney Kloppe-Orton
MARVIN G. PIPKIN
State Bar No. 16026600
KORTNEY M. KLOPPE-ORTON
State Bar No. 00794104

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via certified mail, return receipt requested, to the following counsel of record on this the 25th day of April, 2006:

Seagal V. Wheatley
Jenkins & Gilchrist, P.C.
113 E. Pecan Street, Suite 900
San Antonio, Texas 78205-1533

Ellen Bush Sessions
Jenkins & Gilchrist, P.C.
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202-2799

Bennett Falk
Brian Amery
Matt Wolper
Bressler, Amery & Ross, P.C.
2801 S.W. 149th Ave., Suite 300
Miramar, Florida 33027


Kortney M. Kloppe-Orton

P.05

APR 23 2006
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

APR 23 2006
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
TRAVIS CO. J.V.,

TRAVIS CO. J.V.,
ROGER HILL, SR. and
CHRISTOPHER HILL

v.

Defendants.

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SCHEDULING RECOMMENDATIONS

NOW COME Plaintiffs Travis Co. J.V., Roger Hill, Sr., and Christopher Hill (collectively, "Plaintiffs"), and pursuant to the Court's February 23, 2006, "Order For Scheduling Recommendations and Advisory Concerning Assignment of Magistrate Judge," Plaintiffs file these Scheduling Recommendations.

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4. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by August 18, 2006. Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by September 29, 2006. All designations of rebuttal experts shall be designated within 15 days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, by December 22, 2006.

6. The parties shall complete all discovery on or before November 17, 2006. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trials setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than December 22, 2006. Responses to dispositive motions shall be due on or before January 12, 2007. Any reply brief shall be due within the standard 10-day period. Dispositive motions as defined in Local rule CV-7(h) and responses to dispositive motions shall be limited to 30 pages in length.

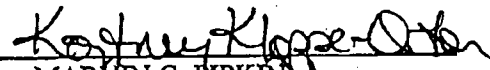
8. The trial date will be determined at a later date by the Court. The parties shall consult Local rule CV-16(e) regarding matters to be filed in advance of trial. At the time the trial date is set, the Court will also set the deadline for the filing of matters in advance of trial.

9. Counsel for all of the parties who have appeared in the action conferred concerning

the contents of the proposed scheduling order on April 21, 2006 and the parties did not agree as to its contents. Specifically, Defendants believe a motion to stay is appropriate and told the undersigned they intended to file that motion today.

Respectfully submitted,

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San Antonio, Texas 78209
Telephone: (210) 820-0082
Facsimile: (210) 930-8500

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State Bar No. 00794104
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via certified mail, return receipt requested, to the following counsel of record on this the 24th day of April, 2006:

Seagal V. Wheatley
Jenkins & Gilchrist, P.C.
113 E. Pecan Street, Suite 900
San Antonio, Texas 78205-1533

Ellen Bush Sessions
Jenkins & Gilchrist, P.C.
1445 Ross Avenue, Suite 3200
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